

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES SECURITIES AND	:	
EXCHANGE COMMISSION,	:	
Plaintiff,	:	
	:	19 Civ. 4355 (LGS)(GWG)
v.	:	
	:	<u>ORDER</u>
MYKALAI KONTILAI, COLLECTOR’S	:	
COFFEE, INC., et al.	:	
Defendants	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on October 15, 2020, Judge Gorenstein issued an Order scheduling an evidentiary hearing on Plaintiff’s motion for contempt (Dkt. No. 452), for December 7-8, 2020. Dkt. No. 594.


WHEREAS, on October 28, 2020, Defendant Mykalai Kontilai filed an “Appeal of Magistrate Judge Decision,” (Dkt. No. 605) and, on that same day, the Clerk of Court noted there was a filing error and directed Defendant’s counsel to “RE-FILE Document 605 Appeal of Magistrate Judge Decision to District Court,” and to “[u]se the event type Objection (non-motion) found under the event list Other Answers.”

WHEREAS, on November 6, 2020, Defendant Mykalai Kontilai filed an objection to the October 15, 2020, Order at Docket No. 452. Dkt. No. 619.

WHEREAS, “[a] party may serve and file objections to the order [of a magistrate judge] within 14 days after being served with copy.” Fed. R. Civ. P. 72(a); *In re City of New York*, 607 F.3d 923, 951, n. 7 (2d Cir. 2010) (citing Fed. R. Civ. P. 72(a)); accord *Media Glow Digital, LLC v. Panasonic Corp. of N. Am.*, No. 16 Civ. 7907, 2020 WL 3483632, \*3 (S.D.N.Y. June 26, 2020) (citing Fed. R. Civ. P. 72(a)). It is hereby

**ORDERED** that, Defendant Mykalai Kontilai's objections to the October 15, 2020 Order at Docket No. 452 are **DENIED** as untimely. Defendant did not properly file his objections until November 6, 2020, more than 14 days after the October 15, 2020, Order was issued. In addition, Defendant could have corrected his filing error within the time for filing objections to October 15, 2020, Order at Docket No. 452, but instead, waited until November 6, 2020, to file objections.

Dated: November 6, 2020  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**